

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Monday, January 10, 1983

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Jeff Clark of the Victory Baptist Church, Winthrop.

The members stood at attention for the Pledge of Allegiance.

The journal of the previous session was read and approved.

Messages and Documents

The following Communication:

State of Maine
Department of
Educational and Cultural Services
State House Station 23
Augusta, Maine 04333

January 4, 1983

TO: Joy O'Brien, Secretary of the Senate
Edwin Pert, Clerk of the House
FROM: Harold R. Reynolds, Jr., Commissioner
RE: Report on Actions Taken Regarding
the Education for Habitual Truants

I am pleased to transmit herein my report on the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education programs and other referral actions at the local level:

	AGE 7-13	AGE 14-16
State Totals	7-13	14-16
1. Number of Truants Identified	115	694
A. Resolved administratively at the local level	78	353
B. Referred to alternative program within the school system	5	117
C. Referred to alternative program offered by another school system	1	9
D. Referred to alternative program offered by an existing agency external to the school system	4	19
E. Not resolved or referred to date	27	196
2. Number Referred to School Board		
A. Parents instructed of legal responsibility	11	69
B. Compulsory education waived		122
C. Special work permit issued		1
3. Number of Parents Referred to Court Action	3	8
A. Number of parents fined or confined	3	2
B. Number of parents referred to counseling		6

	No. Programs	No. Students
Continuing Programs which are Permanent	26	56
Continuing Programs which are not Permanent	12	26
Programs new this year which are Permanent	26	
Programs new this year which are not Permanent	3	3

Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Division of Curriculum Resources (289-2033).

These figures do not include approximately 1500 students now attending unapproved non-public schools.

Was read and ordered placed on file.

The following Communication:

State of Maine
Department of Transportation

January 7, 1983

Governor Joseph E. Brennan
and
Members of the 111th Maine Legislature

Attached is the Final Report of the Highway Cost Allocation Steering Committee. This is a report of highway equity, not highway need. A statement of highway and bridge needs for Maine is under preparation for your consideration. The two documents should be used together to define the amount and form of user fees or other funding.

Recent action taken by the United States Congress with regard to the five cent a gallon increase in the federal fuel tax and other taxes and fees dedicated to the National Highway Trust Fund does not satisfy either equity or need in Maine. Although favorable to Maine it has, in fact, added last minute pressures to highway funding. The satisfaction of both future highway equity and highway needs in Maine depends upon thorough analysis of the impacts of the increases in the several taxes. This analysis will be completed by the Maine Department of Transportation, and a report will be prepared for the Legislature.

In the meantime, the legislation recommended by the Highway Cost Allocation Steering Committee is being developed by the Maine Department of Transportation.

Sincerely,

S/ GEORGE N. CAMPBELL, JR.
Commissioner

Was read and with the accompanying Report ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Business Legislation

Bill "An Act Concerning Mandatory Motor Vehicle Liability Insurance" (H. P. 119) (Presented by Representative MacBride of Presque Isle) (Cosponsors: Representatives Connors of Franklin, Paradis of Augusta and Senator Charette of Androscoggin)

Bill "An Act to Authorize Group Self-Insurers to Aid Participating Employers" (H. P. 120) (Presented by Speaker Martin of Eagle Lake) (Cosponsor: Senator Pray of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Prohibit Advertising for Political Candidates on Radio and Television" (H. P. 121) (Presented by Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Require Mandatory Jail Sentences for Trafficking or Furnishing Drugs" (H. P. 122) (Presented by Representative Smith of Island Falls) (Cosponsors: Representatives Joyce of Portland, Michaud of East Millinocket and Senator Carpenter of Aroostook)

Bill "An Act Regarding the Recording of Divorce Decrees in the Registry of Deeds" (H. P. 123) (Presented by Representative Armstrong of Wilton) (Cosponsor: Representative Stover of West Bath)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Permit Municipalities to Set More Than One Date After Which Interest Shall Accrue for Nonpayment of Municipal Property Taxes" (H. P. 124) (Presented by Representative Bell of Paris)

Committee on Local and County Government was suggested.

On motion of Mr. McHenry of Madawaska, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Local and County Government

Bill "An Act to Require the City of Caribou to Establish a Voting District in the Unorganized Township of Connor" (H. P. 125) (Presented by Representative Martin of Van Buren) (Cosponsor: Senator Violette of Aroostook)

Bill "An Act to Provide for the Surrender by Plantation 21 of its Organization" (Emergency) (H. P. 126) (Presented by Representative Moholland of Princeton) (Cosponsor: Senator Brown of Washington)

Bill "An Act Regarding the Recording of Instruments in the Day Book of the Registry of Deeds" (H. P. 127) (Presented by Representative Armstrong of Wilton) (Cosponsor: Representative Stover of West Bath)

Bill "An Act to Require Printed or Typewritten Names to Accompanying Signatures on Documents Filed in the Registry of Deeds" (H. P. 128) (Presented by Representative Armstrong of Wilton) (Cosponsor: Representative Stover of West Bath)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Amending the Charter of the Aroostook Prestile Treatment District and the Charter of the Presque Isle Sewer District to Authorize the Withdrawal of Municipalities from the Aroostook Prestile Treatment District" (H. P. 129) (Presented by Representative Lisnik of Presque Isle) (Cosponsors: Representatives Mahany of Easton, Matthews of Caribou and Senator McBrearty of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Relating to Motor Fuel Taxes" (H. P. 130) (Presented by Representative Macomber of South Portland) (Cosponsors: Senator Diamond of Cumberland and Representative Foster of Ellsworth)

Bill "An Act to Amend the Formula on Transfer Tax Payments on Real Estate" (H. P. 131) (Presented by Representative Armstrong of Wilton) (Cosponsor: Representative Stover of West Bath)

(Ordered Printed)

Sent up for concurrence.

Transportation

RESOLVE, Authorizing the Department of Transportation to Redesignate Route 165 from Fort Fairfield to Van Buren as Route 1-A with Access to Ports of Entry at Hamlin and Limestone" (H. P. 132) (Presented by Representative Martin of Van Buren) (Cosponsor: Senator Violette of Aroostook)

(Ordered Printed)

Sent up for concurrence.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Bill "An Act to Address Deficits Imposed by Tax Indexing" (Emergency) (H. P. 133) (L. D. 124) (Presented by Representative Andrews of Portland) (Cosponsors: Senators Bustin of Kennebec and Pearson of Penobscot)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Bill "An Act to Adjust the Effective Date of Income Tax Indexing" (Emergency) (H. P. 134) (L. D. 125) (Presented by Representative Benoit of South Portland) (Cosponsor: Senator Diamond of Cumberland)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Bill "An Act to Prohibit the Location of a Regional Refuse Disposal Facility in a Municipality Without the Consent of the Municipal Officers" (Emergency) (H. P. 135) (Presented by Representative Moholland of Princeton) (Cosponsor: Representative Vose of Eastport)

Was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

Bill "An Act to Clarify the Procedure for Filing a Rate Case under the Public Utility Law" (H. P. 136) (Presented by Representative Vose of Eastport) (Cosponsors: Representatives McGowan of Pittsfield, Paradis of Old Town and Weymouth of West Gardiner)

Was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Orders

On motion of Representative Rolde of York the following Joint Order (H. P. 118) (Cosponsor: Senator Bustin of Kennebec)

WHEREAS, the Legislature has enacted "AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research;" and

WHEREAS, this Act eliminated the language in previous statutes which said that there should be one office to operate state alcohol abuse services; and

WHEREAS, the Act also established an Alcoholism Prevention, Education, Treatment and Research Fund which in large part derives its funds from the premium on spirits and fortified wines; and

WHEREAS, the Legislature is given the power to make allocations from the fund to any public or private agency or person; and

WHEREAS, the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation are directed to prepare and submit a report to the Legislature on alcoholism prevention, education, treatment and research, including their specific recommendations regarding allocations from the fund; and

WHEREAS, the Legislature must afford appropriate opportunity to members of the public to express their concerns or proposals for allocations from the fund; and

WHEREAS, this process has been undertaken; now, therefore be it

ORDERED, the Senate concurring, that a Joint Select Committee on Alcoholism Services be reestablished and continued during the First Regular Session of the 111th Legislature, and that the committee shall consist of 2 members of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, 2 members of the joint standing committee having jurisdiction over education, 2 members of the joint standing committee having jurisdiction over health and institutional services, 2 members of the joint standing committee having jurisdiction over taxation and 5 other members, who shall be appointed by the Speaker of the House and the President of the Senate, with no more than 4 members being appointed from the Senate; and be it further

ORDERED, that the Joint Select Committee on Alcoholism Services review the plan submitted by the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation and report out any legislation appropriate to the plan and the purpose of the Act; and be it further

ORDERED, the the committee afford an appropriate opportunity to members of the public to comment on the plan and make

recommendations regarding allocations from the fund.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This is an order that would reconstitute the Joint Select Committee on Alcoholism Services. This was a committee that was established by the last legislature after the passage of the Alcohol Premium Bill. Our basic goal was to oversee the funding that came in through that bill and to try and draw together out various programs in the state that are in four departments for dealing with the question of alcoholism. We feel we have made a great deal of progress, but we also feel that we have to stay in place, at least for this session, the first regular session of the 111th, to continue the progress that we have made.

So, I hope you will pass this order.

Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Leland C. Davis, Jr., of Monmouth be excused for the duration of his illness;

AND BE IT FURTHER ORDERED, that Representative Merle Nelson of Portland be excused for the duration of her illness.

The Speaker announced the appointment of the following members to serve on the House Committee on Leave of Absence:

Representatives:

McSweeney of Old Orchard Beach,
Chairman
Locke of Sebec
Nadeau of Lewiston
Crouse of Washburn
Matthews of Winslow
Smith of Mars Hill
Callahan of Mechanic Falls

The Speaker announced the appointment of the following members to serve on the House Committee on Ways and Means:

Representatives:

Jalbert of Lewiston, Chairman
Brannigan of Portland
Soule of Westport
Moholland of Princeton
Daggett of Manchester
Masterman of Milo
Murphy of Kennebunk

The Speaker announced the following members to serve on the House Committee on Bills in the Second Reading:

Representatives:

Ketover of Portland, Chairman
Soule of Westport
Brown of Gorham
Cote of Auburn
Brown of Bethel
Reeves of Newport
Stover of West Bath

The Speaker announced the following members to serve on the House Committee on Engrossed Bills:

Representatives:

Hall of Sangerville, Chairman
Kane of South Portland
Crowley of Stockton Springs
Reeves of Pittston
Foster of Ellsworth
MacBride of Presque Isle
Studley of Berwick

The Speaker announced the following members to serve on the House Committee on Elections:

Representatives:

Paradis of Augusta, Chairman
Carroll of Limerick
Hobbins of Saco
Chonko of Topsham
Hayden of Durham
Strout of Corinth
Canary of Oakland

The Speaker announced the appointment of the following members to serve on the House Committee on Rules and Business of the House:

The Speaker, Ex-Officio

Representatives:

Mitchell of Vassalboro
Higgins of Scarborough
Smith of Mars Hill

(Off Record Remarks)

On motion of Mr. MacEachern of Lincoln,
Adjourned until nine-thirty tomorrow morning.